

ppointed a Crimi- 87 and named an rt justice in Janu-

might were in the same position as suspects. But Justice Gary brought him up short saying emphatically that "the suspect was never shown that; it was shown to the witness."

Nonetheless, Mr. Sullivan's inquiry succeeded in planting questions of what lengths the detectives would go to obtain a statement and what was said to Mr. Jackson-Knight when the stenographer was not present, to get him to confess.

Though the prosecution strategy was to be candid about the false witness statement, Justice Gary sounded a dissonant note when he said he could not identify the false statement because he had not seen it removed from the file folder he recognized. After some give-and-take, Mr. Sullivan succeeded in winning a stipulation that the statement was authentic.

Both Mr. Kohler and Justice Gary were brought up short by Justice Beldock, who warned Justice Gary several times to confine his answers to the questions asked.

At one point after Justice Beldock had blocked one of Mr. Kohler's questions to Justice Gary before it was posed, Mr. Kohler said he was trying to "take advantage of having two judges." Justice Beldock sternly warned him, "there's only one judge here."

Mr. Sullivan's tactic was to win reprimands of his opponent from Justice Beldock by complaining loudly about speech making. Mr. Kohler took the opposite approach, allowing Mr. Sullivan to make statements at some length, and then adding his own zinger.

For instance, Mr. Sullivan suggested that the District Attorney's office had been unable to find a document, despite spending that "entire time [16 years] looking for it." Mr. Kohler drew a ripple of laughter from the jury box when he interjected "we were doing other things too."

Both Mr. Kohler and Mr. Sullivan have lived with the Jackson-Knight case a long time. Mr. Kohler was Deputy Fire Commissioner, and Brooklyn District Attorney Charles J. Hynes was Fire Commissioner, at the time of the original 1980 trial. Mr. Hynes was Special State Prosecutor for Police Corruption and Mr. Kohler his deputy when that office found that there had been no criminal wrongdoing in connection with the initial prosecution of the case.

Mr. Sullivan won a \$13.5 million settlement for the families of the firefighters who were killed and injured. He said he began his quest to free Mr. Jackson six years ago after becoming convinced of his innocence through documents and other information uncovered in discovery in the civil case.

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E. Kohler suc- ing the defense stice Gary on his to acknowledge statement in the nating informa- nd of a man sus- : Jackson-Knight s fire. Repeatedly oss-examination, rms like "fake" to the concocted

peaks loudly and : gestures, stum-

Orange Date Set

and their survi- plications to an ttlement fund ler of this year, ed by a federal- District.

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Welcome

il welcomes let- on. They must and addresses although iden- eld on request. e is subject to considerations gth, relevance, ty for public- g a letter to the ation, you are on to the Law lish your letter ronic form.

to rid themselves of the defeated Dual Monarchy of Austria-Hungary, and to join Serbia which was on the winning side of the war. The Serbs wanted Croatia and Bosnia in order to fulfill a hundred-year dream of building a south slavic nation.

PRIOR TO 1919 there was little belligerency between the Serbs and Croats. If anything, there was a history of cooperation between them in fighting common enemies, first the Ottomans and then the Austrians and Hungarians. Despite this background, the inter-war years in Yugoslavia, 1919-1939, was dominated by Serbo-Croat problems. The mold of modern Yugoslav politics was then set: political parties formed around ethnic blocks.

Germany's invasion of Yugoslavia in April 1941 provided the setting for ethnic politics to slide into tribalism. Yugoslavia was the only country during World War II which was also engaged in total civil war. The virulent violence of Croatia's fascists, the Ustashe, against the Serbs was almost, but not quite, matched eye for eye. There was also vicious fighting between communist forces and non-communist irregular bands, the Chetniks. In this second instance of Balkan barbarism in this century, one million Yugoslavs were killed by their countrymen!

Tito — following Marxist ideology that nationalism is a contemptible reactionary force, and Lenin's policy of suppressing nationalism in the USSR — established a tightly controlled centralized bureaucracy to govern a new Yugoslav federation of six republics and two autonomous regions. Ethnic fault lines, the result of Tito's failure to foster a non-ethnic political culture, began to appear, however, even before his death in 1980.

But, unquestionably, it was the worsening economy in the late 1980s, occurring within the cosmic context of the Soviet Union's collapse and the end of the Cold War, which made the disintegration of Yugoslavia so overwhelmingly probable that only Olympian statesmanship, not a well known Balkan quality, could have avoided it. The setting was ripe for discredited communists to begin manipulating ethnic differences in order to cling to power. Each ethnic group was told that the other side were genocidal killers ever since the Dark Ages, while they themselves were hapless victims. The net result has been this century's third Balkan barbarism.

How, then, does the international community implement a policy of: Three Strikes and You're In an International Criminal Court? What are the precedents? What is the law?

From early times, states have concluded agreements governing the conduct of war, and have at least occa-

Genocide Conventi- international body, calling upon Serbia sures within its po- crime of genocide. sional remedy, cha- proceedings. Never briefs on the issue vention has been b- briefs in oppositor The court, given the hopefully, make a

VICTIMS O protection cluded in larly serio breaches." The Gen- tection of Civilian F defines "grave brea- inhuman treatment or serious injury to tion or transfer . . . e tion of property . .

Finally, in 1977, I- ventions was adopt- lishes the "Basic I times distinguish be- nel, objects and obj- to provide detailee- victims.

Because this cent- rism has been repli- called "ethnic clea- rape and enforced p- if the international. to prosecute war c- before an internato-

Bringing the accu- all sorts of difficult- legal and political i- credible evidence? cused? The task is d- the victims of the bu- the international co- war criminals to just- ty needs to demons- substance behind t-

David Lofefsky, u- the United Nations Manhattan.

Lawyer Wins ABA Award for Writing

AN ATTORNEY at Chadbourne & Park has been awarded a certificate of merit by the American Bar Association for his monthly column on old cars in an automobile magazine.

Attorney Lawrence Savell received an ABA Gavel Award for his "Old Cars in Law" column, which regularly appears in *Car Collector* magazine. He is also the legal columnist for *Golf for Women* magazine.

Daily columns in the *Law Journal* cover developments in laws affecting antitrust, arbitration, aviation, bankruptcy, appellate practice, international business transactions, consumer protection, products liability, entertainment, estate planning, taxes, commodities trading, trial practice, labor and management, securities litigation and many other areas.